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Attorneys for Plaintiff
HAISAM NIJEM

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

HAISAM NIJEM,

Plaintiff,

v.

U.S. BANCORP dba U.S. BANK, a
Delaware Corporation; U.S. BANK
NATIONAL ASSOCIATION; CHRIS
DELEGANS, an individual; and DOES 1-
50,

Defendants.

Case No. 11-04042 CW

**~~PROPOSED~~ STIPULATED DISMISSAL
OF PLAINTIFF'S CLAIM FOR ASSAULT
AND BATTERY**

1 WHEREAS, on October 26, 2011, the Court issued an Order Denying Plaintiff's Motion
2 for Remand, and noted that Plaintiff insufficiently alleged that Defendant Delegans engaged in a
3 willful and unprovoked physical act of aggression against Plaintiff so as to survive workers'
4 compensation preemption of Plaintiff's Sixth Cause of Action for Assault and Battery;

5 WHEREAS, the Court's October 26, 2011 Order provided Plaintiff with one week to file
6 an amended complaint with allegations to correct the deficiencies identified in the Court's Order;

7 WHEREAS, Plaintiff has elected not to file an amended complaint;

8 NOW, THEREFORE, the Parties stipulate that Plaintiff's Sixth Cause of Action for
9 Assault and Battery shall be and hereby is dismissed without prejudice as to all Defendants, that
10 Defendant Chris Delegans shall be and is dismissed from the case without prejudice, and that no
11 Defendant shall seek attorney's fees or costs relating to the stipulated dismissal of Plaintiff's
12 Sixth Cause of Action for Assault and Battery.

13 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

14 Dated: December 16, 2011

COOPER & MORA, APC

15
16 By /s/ Beth W. Mora
17 BETH W. MORA
Attorneys for Plaintiff

18 Dated: December 16, 2011

CURLEY, HESSINGER & JOHNSRUD LLP

19
20 By /s/ Brian L. Johnsrud
21 BRIAN L. JOHNSRUD
Attorneys for Defendants

22 PURSUANT TO STIPULATION, IT IS SO ORDERED.
23

24 DATED: 12/20/2011


25 HON. CLAUDIA WILKEN
26 United States District Judge
27
28